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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

MARY JEAN LAMBERT,

Plaintiff,

v.

PROPERTY AND CASUALTY INSURANCE  
COMPANY OF HARTFORD; HARTFORD  
UNDERWRITERS INSURANCE  
COMPANY, companies and entities licensed to  
do business in Arizona and Nevada; DOES 1  
through 10; XYZ Corporations 11 through 20;  
and ABC Limited Liability Companies 21  
through 30, inclusive,

Defendants.

Case No.: 2:17-cv-01509-RFB-PAL

**STIPULATION AND ORDER TO EXTEND  
DISCOVERY DEADLINES  
(FIFTH REQUEST)**

Defendant Property and Casualty Insurance Company of Hartford (**Defendant**), incorrectly named as Hartford Underwriters Insurance Company, and plaintiff Mary Jean Lambert (**Plaintiff**), respectfully submit the following stipulation requesting a sixty (60) day extension of the current scheduling order deadlines.

**I. INTRODUCTION.**

This case is a dispute arising out of an automobile insurance policy. Plaintiff allegedly suffered injuries as a result of a motor vehicle collision on April 11, 2012, and made a claim on her insurance policy. Plaintiff filed a complaint in State Court on April 17, 2017, alleging breach of

1 contract, contractual breach of implied covenant and good faith and fair dealing, and unfair claims  
2 practices. On May 26, 2017, Defendant removed this matter to Federal Court. A discovery plan and  
3 scheduling order was entered on August 24, 2017 [ECF Docket #12]. An order to extend discovery  
4 deadlines was entered on November 29, 2017 [ECF Docket #19], February 5, 2018 [ECF Docket #  
5 22], April 3, 2018 [ECF Docket #24], and July 13, 2018 [ECF Docket #29].

6 **II. DISCOVERY STATUS.**

7 On July 13, 2018, the court entered an order to extend discovery deadlines which set the  
8 following deadlines:

- 9 (a). Discovery Cut Off: Monday, October 1, 2018.
- 10 (b). Motions to amend pleadings or add parties: No extension requested.
- 11 (c). Initial Expert Disclosures: No extension requested.
- 12 (d). Rebuttal Expert Disclosures: Thursday, August 10, 2018.
- 13 (e). Interim Status Report: No extension requested.
- 14 (f). Dispositive Motions: Monday, October 29, 2018.
- 15 (g). Pretrial Order: Friday, November 30, 2018.
- 16 (h). Extensions or Modifications of the Discovery Plan and Scheduling Order:  
17 Monday, September 10, 2018.

18 **A. Discovery that has been completed.**

- 19 1. Plaintiff served her initial disclosures on August 15, 2017.
- 20 2. Plaintiffs served her first supplement to initial disclosures on August 18, 2017.
- 21 3. Defendant served its initial disclosures on August 18, 2017.
- 22 4. Plaintiff served her second supplemental disclosures on September 7, 2017.
- 23 5. Plaintiff served her designation of expert witness on September 7, 2017.
- 24 6. Defendant served its first set of requests for production of documents and first  
25 set of interrogatories to Plaintiff on September 21, 2017.
- 26 7. Plaintiff served her first supplemental expert designation on October 11, 2017.
- 27 8. Plaintiff served her responses to defendant's request for production of  
28 documents and answers to defendant's interrogatories on November 15, 2017.

- 1 9. Plaintiff served her second supplemental expert designation on January 7,
- 2 2018.
- 3 10. Plaintiff served her third supplemental expert designation on January 22,
- 4 2018.
- 5 11. Defendant served its initial expert disclosure on January 30, 2018.
- 6 12. Defendant served its notice of deposition of Plaintiff on February 22, 2018.
- 7 13. Plaintiff served her designation of rebuttal expert witnesses on March 5, 2018.
- 8 14. The deposition of plaintiff occurred on June 12, 2018.
- 9 15. Defendant served another initial expert disclosure on June 13, 2018.
- 10 16. Defendant served a subpoena for the deposition of plaintiff's husband, Carl
- 11 Lambert, on July 13, 2018, setting the deposition for July 26, 2018. Plaintiff's
- 12 counsel contacted defense counsel on July 25, 2018, asking to cancel the
- 13 deposition to be rescheduled at a later date.
- 14 17. Defendant served a subpoena for medical records on Desert Neurology
- 15 Associates (Dr. Theuvenet) on July 13, 2018. Desert Neurology Associates
- 16 has not responded to the subpoena.
- 17 18. Defendant served a deposition notice for the deposition of plaintiff's expert,
- 18 Dr. Gross, to take place on September 13, 2018 at 3:00 p.m. This deposition
- 19 has been rescheduled to October 9, 2018 at 3:00 p.m.
- 20 19. Defendant served a deposition notice for the deposition of treating physician
- 21 Gary Flangas, M.D., to take place on August 24, 2018. The deposition was
- 22 subsequently cancelled, to be rescheduled after the parties' mediation.
- 23 20. Defendant served its first supplement to initial expert disclosure on July 24,
- 24 2018.
- 25 21. Defendant served its expert rebuttal disclosure on August 10, 2018.
- 26 22. Defendant served its amended expert rebuttal disclosure on August 22, 2018.
- 27 23. Defendant took the deposition of plaintiff's primary care physician, Mark
- 28 Barney, M.D. on August 6, 2018.

1           B.     Discovery that Remains.

2                 1.     Depositions of Plaintiff's treating physicians which have not yet been deposed,  
3 including Dr. Kidwell, Dr. Theuvenet, and Dr. Flangas.

4                 2.     Depositions of Expert Witnesses, including Dr. Gross, whose deposition is  
5 currently set for October 9, 2018.

6                 3.     Depositions of any other fact witnesses, including the deposition of Carl  
7 Lambert, which was previously scheduled but cancelled and needs to be  
8 rescheduled.

9                 4.     Follow-ups on subpoena for documents to medical providers.

10                5.     Supplemental written discovery.

11           The parties reserve the right to take additional discovery should the need arise.

12           C.     Pending Motions.

13           There are currently no pending motions before the court.

14    **III.     REASON WHY EXTENSION IS REQUIRED.**

15           The parties are requesting an additional sixty (60) days of discovery in order to complete  
16 private mediation scheduled for September 24, 2018. The parties would like to reschedule the  
17 remaining physician depositions to be completed after September 24, 2018, to avoid incurring  
18 additional fees and costs before the settlement conference. This request is being made in a timely  
19 manner. The parties believe that good cause is demonstrated.

20    **IV.     PROPOSED SCHEDULE.**

21               (a).    Discovery Cut Off: **Friday, November 30, 2018.**

22               (b).    Motions to amend pleadings or add parties: **No extension requested.**

23               (c).    Initial Expert Disclosures: **No extension requested.**

24               (d).    Rebuttal Expert Disclosures: **No extension requested.**

25               (e).    Interim Status Report: **No extension requested.**

26               (f).    Dispositive Motions: **Friday, December 28, 2018.**

27               (g).    Pretrial Order: **Tuesday, January 29, 2019.**

(h). Extensions or Modifications of the Discovery Plan and Scheduling Order:

**Friday, November 9, 2018.**


DATED this 23rd day of August, 2018.

<b>AKERMAN LLP</b>	<b>BERNSTEIN &amp; POISSON</b>
<u>/s/ Jamie K. Combs</u> DARREN T. BRENNER, ESQ. Nevada Bar No. 8386 JAMIE K. COMBS, ESQ. Nevada Bar No. 13088 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134  <i>Attorneys for Property and Casualty Insurance Company of Hartford</i>	<u>/s/ Ryan Kerbow</u> SCOTT L. POISSON, ESQ. Nevada Bar No. 10188 RYAN KERBOW, ESQ. Nevada Bar No. 11403 320 S. Jones Blvd. Las Vegas, Nevada 89107  <i>Attorneys for Mary Jean Lambert</i>

**IT IS SO ORDERED.**

**IT IS FURTHER ORDERED** that no further extensions will be allowed.

Dated: August 30, 2018

  
Peggy A. Leen  
United States Magistrate Judge